

1 DAVID C. ROSAS,

2 Plaintiff,

3 v.

4 CITY OF SANTA ROSA, et al.,

5 Defendants.

6 Case No. 21-cv-06179-JST

7 **ORDER TO SHOW CAUSE RE:**
8 **SERVICE**

9
10 This case was filed on August 10, 2021. As of the date of this order, the docket reflects no
11 evidence that the summons and complaint have been properly served on defendants State of
12 California or Governor Gavin Newsom. Plaintiff's attempt to effect service on Governor
13 Newsom, ECF No. 17, was ineffective.

14 Rule 4(m) of the Federal Rules of Civil Procedure provides, in relevant part:

15 If a defendant is not served within 90 days after the complaint is filed,
16 the court—on motion or on its own after notice to the plaintiff—must
17 dismiss the action without prejudice against that defendant or order
18 that service be made within a specified time. But if the plaintiff shows
19 good cause for the failure, the court must extend the time for service
20 for an appropriate period.

21 Fed. R. Civ. P. 4(m).

22 More than 90 days have now passed since the filing of the complaint. Plaintiff is therefore
23 ordered to show cause why this case should not be dismissed for failure to serve. A written
24 response to this order is due by June 9, 2022. The Court will conduct a hearing on the order to
25 show cause on July 26, 2022, at 2:00 p.m.

26 If Plaintiff's written response to the order to show cause is accompanied by satisfactory
27 evidence that the summons and complaint have been served, the order to show cause will be

1 withdrawn and the July 26 hearing will be converted to a case management conference.

2 By issuing this order, the Court expresses no view as to the validity of Plaintiff's claims.
3 The Court notes that although Governor Newsom is named as a defendant, the complaint makes
4 no factual allegations against him.

5 **IT IS SO ORDERED.**

6 Dated: 05/18/22

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8 JON S. TIGAR
9 United States District Judge

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United States District Court
Northern District of California